IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO.2288 OF 2005

Mr.Harish Gupta .. Petitioner

v/s.

The Union of India & ors. .. Respondents

Mr.Arshad Hidayatullah, Senior Counsel with Mr.Basil Menezes and Mr.Dinesh Pednekar i/by M/s.Khaitan & Jayakar for the petitioner.

Mr.A.J.Rana, Senior Counsel with Mr.S.S.Pakale for the respondents.

CORAM : R.M.LODHA AND D.G.KARNIK, JJ.

DATED : 22nd December, 2005

P.C.

After having heard the learned senior counsel for the parties and the broad consensus that emerged during the course of arguments, we dispose of this writ petition by the following order:-

(i) The petitioner shall, within 15 days from today, produce the entire compilation of the documents in respect of the factory premises 143-A, Government Industrial Estate, Kandivli (West), Mumbai which in the opinion of the petitioner establishes his title in the said premises before the Commissioner of Central Excise, Mumbai-5.

(ii) The Commissioner of Central Excise, Mumbai-5 shall then examine the said

documents and, if necessary, hear the petitioner and then take decision as to whether the documents so produced by the petitioner establishes his title in respect of the factory premises 143-A or not within 15 days from the receipt of the documents and then communicate the same to the petitioner.

(iii) Obviously, if the Commissioner of Central Excise is satisfied with the documents produced by the petitioner establishing his title in respect of the subject premises, he shall pass an appropriate order raising the attachment of the said property. On the other hand, if in the opinion of the Commissioner of Central Excise, the documents produced by the petitioner do not establish his title in respect of the said property, the attachment of the subject property shall continue and the authorities shall then proceed for sale of the said property.

(iv) We observe that the petitioner or his authorised person shall make himself available as and when called upon by the Commissioner of Central Excise for

the purpose of examination of the aforesaid documents and that no adjournment shall be sought on behalf of the petitioner.

Writ petition stands disposed of accordingly.

Ordinary copy of this order duly authenticated by the Court Associate on payment of usual copying charges may be made available to the parties.

(R.M. LODHA, J.)

(D.G. KARNIK, J.)